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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,594	06/06/2001	Srinivas V.R. Gutta	US010125	7185

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

WOO, ISAAC M

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 02/11/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/875,594

Applicant(s)

GUTTA ET AL.

Examiner

Isaac M Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,9-11 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,9-11 and 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Applicant elected Group I, claims 1-3, 9-11 and 17-19, without traverse in the paper No. 8, filed on December 24, 2003. Applicant cancelled claims 4-8 and 12-16 without prejudice.

2. Claims 1-3, 9-11 and 17-19 are pending in this Office Action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 9-11 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler (U.S. Patent No. 5,758,259) in view of Apte et al (U.S. Patent No. 6,654,739, hereinafter, "Apte").

With respect to claims 1, 9 and 17, Lawler discloses, the method, computer system and computer program product for generating a recommendation of a program,

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receiving a first program record corresponding to a first program, see (126, FIG. 5, col. 5, lines 51-67 to col. 6, lines 1-8); retrieving a plurality of program records from a database, see (124, Fig. 5, col. 7, lines 35-43); determining (identifying programming) a second program record of the plurality of program records, see (FIG. 6, col. 9, lines 6-35); and generating a recommendation of the first program based on the second program record, see (FIG. 6, col. 9, lines 6-35). Lawler discloses, determining a second program record of the plurality of program records (FIG. 6, col. 9, lines 6-35). Lawler does not explicitly disclose, the program records that qualify as a nearest neighbor. Apte discloses objective of document clustering is to group similar documents together, assigning them to the same implicit topic. Document clustering was originally of interest because of its ability to improve the effectiveness of information retrieval. Standard information retrieval techniques, such as nearest neighbor methods using cosine distance, can be very efficient when combined with an inverted list of word to document mappings, see (col. 1, lines 13-31). This teaches that the nearest neighbor method is used for retrieving the closest data that a user wants. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to include the program records that qualify as a nearest neighbor in the system of Lawler for identifying the closest program record for data clustering. Data clustering based on close or near neighbor data provides data collection that are similar. Thus, the closest neighbor method helps and improves the search results that are the closest data among distributed data in the data retrieving system.

With respect to claims 2-3, 10-11 and 18-19, Lawler discloses, the method, computer system and computer program product for generating a recommendation of a program, receiving a first program record corresponding to a first program, see (126, FIG. 5, col. 5, lines 51-67 to col. 6, lines 1-8); retrieving a plurality of program records from a database, see (124, Fig. 5, col. 7, lines 35-43); determining (identifying programming) program records of the plurality of program records that qualifies as nearest neighbor of the program record (the programming having a greatest degree of correlation from col. 2, lines 21-30), see (FIG. 6, col. 9, lines 6-35); and generating a recommendation of the first program based on program records. Lawler discloses, determining program records (FIG. 6, col. 9, lines 6-35). Lawler does not explicitly disclose, determining N number and cluster of program records. However, Apte discloses, these same techniques for information retrieval performs a variant of dynamic clustering matching a query or a full document to their most similar neighbors in the document database. Thus, standard information retrieval techniques are efficient and dynamically find similarity among documents, reducing the value for information retrieval purposes of finding static clusters of large numbers of similar documents, see (col. 1, lines 13-31). And Apte discloses, advent of the web has renewed interest in clustering documents in the context of information. Instead of pre-clustering all documents in a database the results of a query search can be clustered, with documents appearing in multiple clusters, see (col. 1, lines 33-54). This teaches that N Number (multiple) of data retrieval and clustering data retrieval in the data retrieval system. Therefore, it would have been obvious to a person having ordinary skill in the

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art at the time of the invention was made to include determining N number and cluster of program records in the system of Lawler for identifying the multiple and clustering data records. Because database searching provides the search results with N number (multiple) and clustering data (grouping data that has similar), which increases higher data probability of search results in the data retrieval system.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ismail et al (U.S. Patent No. 6,614,987) discloses the system for recording television programs for subsequent viewing by a user includes a preference determination module which is responsive to attribute information associated with television programs viewed by the user. The preference determination module categorizes the attribute information in accordance with categorization parameters to generate recordation preference information, indicative of television program viewing preferences of the user. The system also includes a recordation module which is responsive to the recordation preference information, for causing recordation on a storage medium of subsequently transmitted television programs, having attribute information corresponding to the recordation preference information. This can be used as another 103 reference.

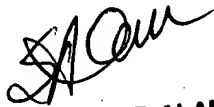
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M Woo whose telephone number is (703) 305-0081. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

IMW
February 5, 2004


SHAHID ALAM
PRIMARY EXAMINER